

Members:

Rep. Mark Kruzan, Chairperson
Rep. Richard Mangus
Rep. Dale Sturtz
Rep. David Wolkins
Sen. Kent Adams
Sen. Beverly Gard
Sen. Glenn Howard
Sen. Vi Simpson



Lay Members

Michael Carnahan
Randy Edgemon
John Fekete
Hon. Jack Fowler
Marvin Gobles
William Goffinet
Max Goodwin
John Hamilton
Stephen Hohman
Kerry Michael Manders
Gary Reding
Alice Schloss
Patrick Tuley
John Walker
Lynn Waters

ENVIRONMENTAL QUALITY SERVICE COUNCIL

**Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 232-9588 Fax: (317) 232-2554**

LSA Staff:

Tim Tyler, Attorney for the Council
Kristin Breen, Fiscal Analyst for the Council

Authority: P.L.248-1996 (SEA 138)

RISK INTEGRATED SYSTEM OF CLEANUP (RISC) SUBCOMMITTEE - MEETING SUMMARY

Meeting Date: June 10, 1998
Meeting Time: 10:00 a.m.
Meeting Place: State House, 200 W. Washington St., Room 156-B
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Kent Adams, Chair; Marvin Gobles.

Members Absent: Rep. Dale Sturtz.

Sen. Adams, Chair of the Risk Integrated System of Cleanup (RISC) Subcommittee, called the meeting to order.

Michael Anderson, Technical Coordinator for the Indiana Department of Environmental Management's (IDEM) RISC program, distributed a fact sheet on RISC.¹ He then gave a brief overview of the draft RISC manual, the history of its development, and the time frame for implementation of RISC. Mr. Anderson gave the following target dates: (1) statewide outreach in September 1998; (2) reissuance of the RISC Manual by December 1998; and (3) development of RISC software and implementation of RISC by January 1999.

Witnesses raised the following concerns regarding the RISC program²:

- The RISC document is not consistent with P.L. 59 - 1997 (SEA 360).

¹This document is on file in the Legislative Information Center (LIC), Room 230, Statehouse, Indianapolis, Indiana. The telephone number of the LIC is (317) 232-9856, and the mailing address is 200 W. Washington St., Suite 301, Indianapolis, IN 46204-2789.

²Documents from these witnesses are on file in the Legislative Information Center (see footnote 1).

- The use of policy-based decisions in lieu of risk-driven decisions is a problem. The cleanup concentration cap of 1000 parts per million for contaminants in soil and groundwater, as well as the groundwater anti-degradation policy were cited as examples.
- There is uncertainty regarding how the general technical aspects of RISC will be implemented.
- The RISC document is too detailed and lacks flexibility.
- The draft RISC manual does not attempt to recognize any risk-risk comparisons.
- Many of the equations that IDEM is using to calculate risk-based clean-up concentrations are loaded with ultra-conservative assumptions that change the goal from “reasonable risk” to “no risk”.
- There are no identified clean-up levels for lead.
- The draft RISC document will likely slow down and impede the redevelopment of brownfields due to the overly prescriptive approach to site screening and characterization, the increased cost of sampling and long-term monitoring, and the length of time often required to achieve closure.
- The proposed guidance is overly complex, expensive, and not particularly applicable to Leaking Underground Storage Tank (LUST) sites.

Witnesses made the following recommendations regarding the RISC program:

- Hold another round of public meetings.
- Create a blue ribbon committee to have input and oversee final RISC policy.
- Establish a two-tiered oversight panel to review any future draft guidance in order to insure that it is scientifically justified as well as reasonable.
- Develop general cleanup principles that apply to all programs in the agency.
- Let each program develop its own specific administrative procedures consistent with the general principles.
- Urge the Environmental Quality Service Council to advise IDEM to restructure the RISC document through a collaborative process.
- Develop a simplified, substantially shortened guidance document that sets out a general framework for risk-based decision-making and allow the regulated community and public to present risk-based decision-making proposals that are consistent with good science and successful experiences with the U.S. EPA and other states.
- Encourage IDEM to use a broad definition of risks, costs, and benefits.

Sen. Adams adjourned the meeting.